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SECRETARIAT
OF
THE ORISSA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 25th July, 2009

No. 8611/L.A.—The following Bill which has been introduced in the Orissa Legislative Assembly on the 25th July, 2009 is herewith published under Rule-68 of the Rules of Procedure and Conduct of Business in the Orissa Legislative Assembly for general information.

**THE CODE OF CRIMINAL PROCEDURE (ORISSA AMENDMENT)
BILL, 2009**

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BILL

**FURTHER TO AMEND THE CODE OF CRIMINAL PROCEDURE, 1973
IN ITS APPLICATION TO THE STATE OF ORISSA.**

BE it enacted by the Legislature of the State of Orissa in the Sixtieth Year of the Republic of India as follows :—

Short title 1. (1) This Act may be called the Code of Criminal Procedure (Orissa and com- mencement. Amendment) Act, 2009.

 (2) It shall be deemed to have come into force on the 26th February, 2009.

Amendment 2. In the proviso to sub-section (2) of section 167 of the Code of 2 of 1974. of section 167. Criminal Procedure, 1973,—

 (i) for paragraph (b), the following paragraph shall be substituted, namely :—

“(b) no Magistrate shall authorise detention of the accused in custody of the police under this section unless the accused is produced before him in person for the first time and subsequently every time till the accused remains in the custody of the police, but the Magistrate may extend further detention in Judicial custody on production of the accused either in person or through the medium of electronic video linkage;”, and

(ii) for Explanation II, the following Explanation shall be substituted, namely :—

“Explanation II — If any question arises whether an accused person was produced before the Magistrate as required under paragraph (b), the production of the accused person may be proved by his signature on the order authorising detention or by the order certified by the Magistrate as to production of the accused person through the medium of electronic video linkage, as the case may be.”.

STATEMENT OF OBJECTS AND REASONS

Over the years, the crime scenario has changed rapidly. Detection of crimes, bringing criminals into the fold of law, and giving justice to the victims of crime are posing to be a major challenge to the criminal justice system. Moreover, new methods of communication are helping the criminals as much as they help the police. Even after their arrest, bringing criminals to jails for detention and courts for physical presence during trial has become an arduous task for law enforcement agencies. This is more so in case of the Naxals whose presence is now being felt through out the State. Further, while in transit, the police party faces challenges from criminal gangs. Sometimes, hardened criminals have been snatched from the police escort party after overpowering them. By way of threat and intimidation witnesses are dissuaded from attending the court. Thus production of under trial prisoners has become tedious, expensive and dangerous. All over the world, trial by video conferencing has now been established as a technological innovation to dispense with physical presence in Courts of the accused in person. It enables the law enforcement agencies to meet the procedural recruitments of physical presence of criminals in the courts, while keeping them lodged in highly secured jails. This innovation has been introduced with considerable success in other places across the country and has been authorised by the Hon'ble Supreme Court. It is, therefore, proposed to introduce a local amendment to section 167 (2) of the Code of Criminal Procedure to enable the trial of Under Trial Prisoners through the medium of electronic video linkage.

The Bill achieves such objects.

NAVEEN PATNAIK
Member-in-Charge

K. C. BARIK
Secretary
Orissa legislative Assembly